

94-135

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE # 362

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An Ordinance rezoning from C-1 (Retail Commercial) to C-2 (General Commercial) property located on the west side of Highway 101 in Lincoln Beach, immediately south of 3885 N. Highway 101, further identified as Tax Lots 9800, 10000, and 10001, Lincoln County Assessor's Map 8-11-28-BC and declaring an emergency.

12 WHEREAS on August 12, 1996, the Lincoln County Planning Commission voted to
13 recommend approval of a zone change request by the James E. Wampler Trust from Retail
14 Commercial (C-1) to General Commercial (C-2) under the resolution of intent to rezone
15 provisions in Lincoln County Code (LCC) Section 1.1245; said request applying to property
16 located on the west side of Highway 101 in Lincoln Beach, immediately south of 3885 N.
17 Highway 101, further identified as Tax Lots 9800, 10000, and 10001, Lincoln County
18 Assessor's Map 8-11-28-BC; and

19 WHEREAS by Resolution No. 96-4-9A the Board approved in concept a rezoning of
20 the property subject to conditions, stipulations and limitations contained in a resolution of
21 intent to rezone property as adopted under LCC 1.1245; and

1 WHEREAS the applicant has met those conditions of Resolution No. 96-4-9A
2 required to be met prior to adopting the zone change (as confirmed by the Director of
3 Planning and Development);

4 **NOW THEREFORE, THE LINCOLN COUNTY BOARD OF**
5 **COMMISSIONERS ORDAINS AS FOLLOWS:**

6 **SECTION 1.**

7 1. That the property located on the west side of Highway 101 in Lincoln Beach,
8 immediately south of 3885 N. Highway 101, further identified as Tax Lots 9800, 10000, and
9 10001, Lincoln County Assessor's Map 8-11-28-BC, is hereby rezoned from C-1 (Retail
10 Commercial) to C-2 (General Commercial), pursuant to Resolution No. 96-4-9-A and LCC
11 1.1245 and subject to the following conditions:

12 A. The use of the property shall be limited to a manufactured home sales and
13 display yard, an office building, and a sign, all in conformance with the LCC Chapter
14 1 and other applicable regulations.

15 B. The applicant's submitted site plan shall be binding upon the property.
16 No other use of the property shall be permitted. In accordance with LCC 1.1245(4),
17 the Director of the Department of Planning and Development shall plainly mark on
18 the official zoning map of Lincoln County that this property is "subject to an
19 approved site plan" upon enactment of this ordinance.. LCC 1.1245(6). No changes
20 constituting a departure from the site plan or the conditions above may be made

1 except by amendment of the site plan and/or conditions upon recommendation of the
2 Planning Commission and approval by the Board.

3 2. That the findings and conclusions supporting these changes contained in the order
4 of the Planning Commission dated August 12, 1996 are adopted and incorporated herein.

5 3. That the Lincoln County Department of Planning and Development forward a
6 copy of this ordinance to the Oregon Department of Land Conservation and Development.

7 4. That copies of this ordinance be forwarded to the applicant's attorney, Richard
8 Townsend, PO 1510, Newport OR 97365; applicant James E. Wampler Trust, 1711 S.
9 Wampler Lane, Powell Butte, OR 97753; Lewis C. Morehead, Oregon Department of
10 Transportation, District 4, 3700 SW Philomath Boulevard, Corvallis OR 97333; the
11 Department of Planning and Development; and to County Counsel.

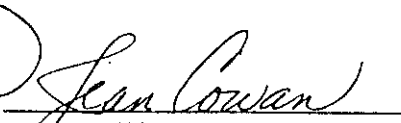
12 **SECTION 2.**

13 This ordinance being necessary for the immediate preservation of the public peace,
14 health and safety, an emergency is declared to exist and this ordinance shall take effect upon its
15 passage.

DATED this 9th day of October, 1996.

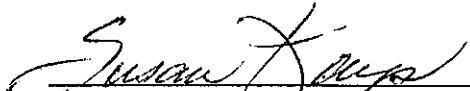
LINCOLN COUNTY BOARD OF COMMISSIONERS


NANCY E. LEONARD
Chair


JEAN COWAN
Commissioner



DON LINDLY
Commissioner

ATTESTED TO:



Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

**BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON**

Request for Zone Change)	Case File No. 1-ZC-PC-96
for Carol Wampler Trust and)	
James Wampler Trust)	FINDINGS, CONCLUSIONS AND
_____)	FINAL ORDER

Nature of the Application

The application is for a zone change from C-1 (Retail Commercial) to C-2 (General Commercial) under the Rural Community Center Comprehensive Plan designation. The requested zone change is proposed to be accomplished by a Resolution of Intent to Rezone.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The Comprehensive Plan designation for the subject property is Rural Community Center.
2. The subject property is zoned C-1 (Retail Commercial).
3. The subject property is located on the west side of Highway 101 in Lincoln Beach, immediately south of 3885 N. Highway 101. The property is further identified on Lincoln County Assessor's Map 8-11-28 BC as Tax Lots 9800, 10000 and 10001.
4. The subject property is approximately 17,000 square feet in size and is level.
5. The subject property is currently undeveloped.
6. Surrounding land uses include a mixture of commercial businesses, residential dwellings and recreational facilities.

7. A public hearing was held before the Planning Commission on July 22, 1996 in order to consider the applicants' request. All interested parties were given an opportunity to testify.
8. Testimony in support of the request was presented by the applicant, who stated that a public need exists for C-2 zoning in north Lincoln County. The applicant explained that no C-2 zoned property exists in the Lincoln Beach area which would allow his proposed use of the property as a manufactured home sales and display yard. The applicant indicated that his proposal would help to provide for a variety of affordable housing options. It was pointed out that most manufactured homes placed in Lincoln County last year were purchased outside of the county. The applicant also testified that there is a public need for affordable housing, and approval of the request will help to meet that need. The location of the proposed improvements are identified in the submitted site plan.
9. There was no testimony in opposition to the applicant's request.

Relevant Criteria:

1. Rural Community Comprehensive Plan Designation (Section 1.0190): Rural Community Centers are described in the Comprehensive Plan as:

Existing service communities where small lots have been platted, commercial services have developed and community facilities are located. These are areas where utility systems

may be present or would be appropriate in the future to solve identified problems. These factors indicate a need for a certain level of residential growth to accomplish and pay for needed improvements. Uses such as residential, existing public recreation facilities, commercial and industrial activities limited to those which are existing or compatible to the surrounding activities are primary. Multi-family areas may be permitted where access is directly onto a collector road, and where community sewerage is available. Commercial areas may be permitted where arterial access is available and a frontage road or potential for access to residential areas is available without crossing a highway. Secondary uses such as public recreation facilities, public utilities, government uses, and similar uses may be included by County review.

2. Lincoln County Land Use Code, Section 1.1235, Quasi-Judicial

Amendments: A quasi-judicial amendment to the Zoning Map may be authorized provided that the proposal satisfies all applicable requirements of this chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates the following:

- A. That the change is in accord with the Comprehensive Plan goals and policies and the Statewide Planning Goals; and
- B. That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or

- C. That zoning previously adopted for the area was in error;
or
- D. That there is a public need of the change being sought.

Findings:

The Commission finds:

1. The proposed use of the property requires a zone designation of C-2, General Commercial. There is no available land in the Lincoln Beach area which is zoned C-2.
2. The C-2 zone allows some uses which may not be compatible with existing or projected uses in the Lincoln Beach area.
3. The Planning Commission may recommend to the County Board of Commissioners that a zone change be adopted by a "Resolution of Intent to Rezone" said property. This resolution may include any conditions, stipulations or limitations which the Board feels necessary to insure the public interest.
4. A Resolution of Intent to Rezone could limit the activities on the property to those identified on the applicant's submitted site plan, and minimize the potential for conflict which could result from the establishment of other uses allowed in the C-2 zone.
5. The subject property has arterial access and access to residential areas without crossing Highway 101.

Conclusion:

The record and the findings support the conclusion that:

1. The zone change will be in accordance with the Comprehensive Plan Goals and Policies and the Statewide Planning Goals.

2. The absence of C-2 zoning in the Lincoln Beach area and north Lincoln County creates a public need.
3. The zone change should be adopted under a "Resolution of Intent to Rezone," in accordance with Section 1.1245(1)-(7), Lincoln County Code.
4. There is a need to limit commercial development on the subject property. In this case, the property to be developed under the Resolution of Intent to Rezone shall be managed to insure compliance with the following conditions:
 - A. The use of the property shall be limited to that proposed by the applicant during testimony, and stated for the record. The use shall be limited to a manufactured home sales and display yard, and a sign.
 - B. The applicant's submitted site plan shall be binding upon the property. No other use of the property shall be permitted.


ORDER:

It is hereby **ORDERED** by the Planning Commission of Lincoln County that Case File No. 1-ZC-PC-96 be and is hereby **APPROVED**. This approval will serve as a recommendation to the Lincoln County Board of Commissioners that the zone change be accomplished under a Resolution of Intent to Rezone. This approval is subject to the following conditions:

1. The applicant shall obtain a current Highway Approach Permit from the Oregon Department of Transportation, for access from Highway 101.

2. Landscaping shall be provided along the front property line, and shall include native species of vegetation.

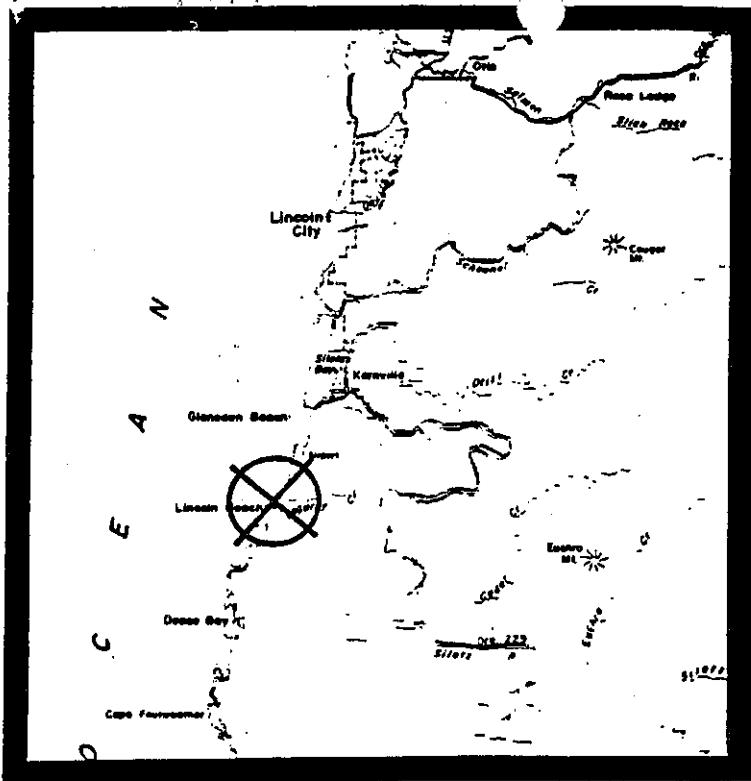
This **ORDER** was presented to and approved by the Planning Commission on August 12, 1996.



Naomi Wamacks, Chairperson
Lincoln County Planning Commission

1-ZC-PC-96

JAMES E. WAMPLER



SITE MAP

